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12 BOGART, HERBERT CHANG, VICTOR K. LEE,
13 DOUGLAS MCBURNIE, JAMES C. MOYER,
14 UMESH PADVAL, JEFF ZHOU, MICHAEL R.
15 HSING, DEMING XIAO, MAURICE SCIAMMAS,
16 PAUL UEUNTEN and C. RICHARD NEELY, JR. and
17 Nominal Defendant MONOLITHIC POWER
18 SYSTEMS, INC.

19
20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22
23 SAN JOSE DIVISION

24
25 **IRON WORKERS LOCAL NO. 25**
26 **PENSION FUND, Derivatively on Behalf of**
27 **MONOLITHIC POWER SYSTEMS, INC.,**

28
29 Plaintiff,

30 v.
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33 **KAREN A. SMITH BOGART, HERBERT**
34 **CHANG, VICTOR K. LEE, DOUGLAS**
35 **McBURNIE, JAMES C. MOYER, UMESH**
36 **PADVAL, JEFF ZHOU, MICHAEL R.**
37 **HSING, DEMING XIAO, MAURICE**
38 **SCIAMMAS, PAUL UEUNTEN, C.**
39 **RICHARD NEELY, JR. and FIRST**
40 **NIAGARA FINANCIAL GROUP, INC.,**

41
42 Defendants,

43 -and-

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45 **MONOLITHIC POWER SYSTEMS, INC., a**
46 **Delaware corporation,**

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48 Nominal Defendant.

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50 Case No. 11-CV-04604 PSG

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52 STIPULATION AND [PROPOSED]
53 ORDER EXTENDING TIME FOR
54 DEFENDANTS TO RESPOND TO
55 COMPLAINT AND RESETING
56 THE INITIAL CASE
57 MANAGEMENT CONFERENCE

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59 Courtroom: 5, 4th Floor
60 Judge: Hon. Paul Singh Grewal

1 Pursuant to Civil L.R. 16-2(e), Plaintiff Iron Workers Local No. 25 Pension Fund
2 (“Plaintiff”) and Defendants Karen A. Smith Bogart, Herbert Chang, Victor K. Lee, Douglas
3 McBurnie, James C. Moyer, Umesh Padval, Jeff Zhou, Michael R. Hsing, Deming Xiao, Maurice
4 Sciammas, Paul Ueunten, C. Richard Neely, Jr. and First Niagara Financial Group, Inc., and
5 Nominal Defendant Monolithic Power Systems, Inc. (collectively “Defendants” and, together
6 with Plaintiff, the “Parties”) jointly submit this Stipulation and [Proposed] Order Extending Time
7 for Defendants to Respond to Complaint and Resetting the Initial Case Management Conference.
8 Pursuant to Civil L. R. 6-2(a), this Stipulation is also supported by the Declaration of William S.
9 Freeman, filed herewith.

10 WHEREAS, Plaintiff filed this action on September 16, 2011 and has agreed that
11 Defendants may have until December 5, 2011 to respond to the complaint;

12 WHEREAS, the Parties anticipate that one or more Defendants will move to dismiss the
13 complaint, and have further agreed that, in order to permit the Parties to fully brief the issues
14 involved in any such motion, Plaintiff may have until January 19, 2012 to file an opposition to
15 any motion to dismiss and the moving Defendant(s) may have until February 9, 2012 to file any
16 replies;

17 WHEREAS, Civil L.R. 16-2(a) states that the Initial Case Management Conference shall
18 be set “not less than 90 days after the action was filed” and the Initial Case Management
19 Conference is currently scheduled for November 15, 2011, a date that is only 60 days from the
20 filing of this action;

21 WHEREAS, the Parties also believe that the date currently set for the Initial Case
22 Management Conference is sooner than would be ideal for the efficient management of the case,
23 and believe that moving the Initial Case Management Conference and combining it with the
24 hearing on the motion(s) to dismiss will conserve judicial resources and allow for a more
25 meaningful discussion of case management issues between the parties and the Court;

26 WHEREAS, the Parties agree that, subject to the approval of the Court, such hearing and
27 Initial Case Management Conference should take place on February 23, 2012 or as soon
28 thereafter as the Court is available;

STIPULATION AND ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT AND RESETTING
INITIAL CASE MANAGEMENT CONFERENCE

1 WHEREAS, the Parties further agree that all other dates in the Order Setting Initial Case
2 Management Conference and ADR Deadlines should be re-set in conformity with the new Initial
3 Case Management Conference date; and

4 WHEREAS, there have been no previous time modifications in this case and the requested
5 time modification will not significantly alter the case schedule.

6 IT IS THEREFORE STIPULATED BY AND BETWEEN THE PARTIES, AS FOLLOWS:
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8 1. Defendants may have until December 5, 2011 to respond to the complaint in this
9 action.

10 2. In the event any Defendant files a motion to dismiss the complaint, Plaintiff shall
11 have until January 19, 2012 to respond to the motion(s), and the moving Defendant(s) shall have
12 until February 9, 2012 to file a reply.

13 3. The Initial Case Management Conference may be re-set to coincide with the
14 hearing on any motion to dismiss.

15 4. The hearing on any motion to dismiss and the Initial Case Management
16 Conference may be set to take place on any date on or after February 23, 2012 that the Court may
17 direct.

18 5. All other dates in the Order Setting Initial Case Management Conference may be
19 re-set in conformity with the new date for the Initial Case Management Conference.

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21 Dated: October 20, 2011

By: /s/ William S. Freeman

William S. Freeman
JONES DAY

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23 Counsel for Defendants KAREN A. SMITH
24 BOGART, HERBERT CHANG, VICTOR
25 K. LEE, DOUGLAS MCBURNIE, JAMES
26 C. MOYER, UMESH PADVAL, JEFF
27 ZHOU, MICHAEL R. HSING, DEMING
XIAO, MAURICE SCIAMMAS, PAUL
UEUNTEN, and C. RICHARD NEELY,
JR., and Nominal Defendant MONOLITHIC
POWER SYSTEMS, INC.

1 In accordance with General Order No. 45, Rule X, the above signatory attests that
2 concurrence in the filing of this document has been obtained from the signatories below.
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4 By: /s/ William J. Goines
5 William J. Goines
6 GREENBERG TRAURIG, LLP
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10 Counsel for Defendant FIRST
11 NIAGARA FINANCIAL GROUP, INC.
12

13 By: /s/ Travis E. Downs III
14 Travis E. Downs III
15 ROBBINS GELLER RUDMAN &
16 DOWD LLP
17

18 Counsel for Plaintiff IRON WORKERS
19 LOCAL NO. 25 PENSION FUND
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21 PURSUANT TO STIPULATION, IT IS SO ORDERED. The Initial Case Management
22 Conference and the hearing on any motions to dismiss the complaint shall take place at 10:00m.
23 on February 21, 2012.
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25 Dated: October 31, 2011

26 By: *Paul S. Grewal*
27 Hon. Paul S. Grewal
28 United States Magistrate Judge

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